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March 18, 2003

VIA FEDERAL EXPRESS & E-MAIL

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, Second Floor
Boston, MA 02 110

Re: D.T.E. 01-20

Dear Ms. Cottrell:

RCN-BecoCom, LLC, by its attorneys, hereby submit for filing in the above-referenced proceeding RCN-BecoCom, LLC's Comments on Verizon Massachusetts Compliance Filing.

An original and one (1) copy of this filing are attached. Please date-stamp the enclosed extra copy of this filing and return it in the attached self-addressed, postage prepaid envelope provided. Should you have any questions concerning this filing, please do not hesitate to contact me.

Respectfully submitted,

Philip J. Macres

Enclosure

cc: DTE 01-20 Service List

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy on its own Motion into the Appropriate Pricing, based upon Total Element Long-Run Incremental Costs, for Unbundled Network Elements and Combinations of Unbundled Network Elements, and the Appropriate Avoided Cost Discount for Verizon New England, Inc. d/b/a Verizon Massachusetts' Resale Services in the Commonwealth of Massachusetts	**D.T.E. 01-20**

RCN-BECOCOM, LLC'S COMMENTS ON VERIZON MASSACHUSETTS COMPLIANCE FILING

Pursuant to the procedural schedule established by the Hearing Officer for the compliance phase of this proceeding, RCN-BecoCom, LLC ("RCN"), by it attorneys, submits its comments regarding Verizon's February 13, 2003 compliance filing.

In these comments, RCN requests that the Department order Verizon to correct a number of defects associated with its compliance filing that pertain to unbundled IOF transport and Calling Name Service (CNAM). With respect to unbundled IOF transport, the Department should order that the TELRIC rates associated with Verizon unbundled dedicated IOF transport facilities apply for interconnection facilities. The Department should also eliminate Verizon's terms and conditions for unbundled IOF transport that require that a CLEC be collocated within Verizon's central office at one end of the facility and that a CLEC have its switch located at the other end of it. As demonstrated below, Verizon's compliance filing in this regard is deficient and defies federal law. With respect to CNAM service, the Department should order Verizon to offer a separate per query rate for this service in its tariff because the rate can easily be split out of its per query LIDB rate.

I. Verizon's Compliance Filing Does Not Apply TELRIC based IOF Transport Rates For Interconnection Facilities and Its Terms and Conditions it Proposes for IOF Transport are Unlawful.

In its compliance filing, Verizon submitted the rates, terms, and conditions associated with network facilities that compose unbundled IOF transport and the switching rates that apply for Meet Point A, B and C interconnection arrangements. Although the Department investigated Verizon's unbundled IOF transport rates earlier in this proceeding, the Department never addressed the terms and conditions that Verizon now proposes in its compliance filing. In this regard, there are three significant problems associated with Verizon's filing: First, the TELRIC rates, along with the terms and conditions, associated with Verizon unbundled dedicated IOF transport facilities should apply for identical facilities used for interconnection arrangements (at this time they do not); Second, Verizon's proposed terms and conditions for unbundled IOF transport should not require that a CLEC be collocated within Verizon's central office at one end of the facility; and Third, Verizon's proposed terms and conditions for unbundled IOF transport should not require that a CLEC have its switch located at the other end of it. As discussed below, Verizon's filing is contrary to law and must be modified.

A. Verizon Failed to Specify in its Switched Interconnection Services Tariff that Unbundled IOF Transport Rates Apply for Transport Facilities that a CLEC uses to Interconnect with Verizon.

For dedicated transport used to interconnect between a CLEC and Verizon, which are associated with Meet Point A, B, & C arrangements, Verizon's tariff provides that "**Transport** will be provided ... under the terms and conditions applicable to direct trunked transport as specified in DTE MA No. 15."[1] Significantly, DTE MA No. 15 does not include TELRIC based rates for interconnection, such as unbundled dedicated IOF transport rates, but rather includes for

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[1] *See* DTE MA No. 17, Part C Section 1.5.1.A.2., page 7.

interconnection, among other things, retail prices for intrastate Access Services, which are drastically higher.[2] As discussed below, Verizon's compliance tariff filing is deficient in this regard because the TELRIC rates for unbundled IOF transport should be the rates that are assessed for transport facilities that a CLEC requires when it interconnects with Verizon. The Department should therefore order Verizon to modify its tariff so that it states that interconnection transport facilities will be provided pursuant to rates, terms and conditions associated unbundled IOF transport.

As a preliminary matter, Verizon is required under 47 U.S.C. §§ 251(c)(2)-(3) & 252(d)(1) to offer interconnection and unbundled network elements at TELRIC based rates. *See also Local Competition Order,* Docket No. 96-98, 11 FCC Rcd 15499, ¶¶ 628 & 682 (concluding that the FCC's TELRIC pricing rules apply to both interconnection and unbundled network elements); 47 C.F.R § 51.501 *et seq.* With respect to pricing of facilities, the term "'element' includes network elements, interconnection, and methods of obtaining interconnection and access to unbundled elements." *See* 47 C.F.R § 51.501(b). In addition,

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2 *See* Verizon's DTE MA No. 15, Access Service, Section 6.2.2.B.3 & Section 6.2.2.E, pages 6 - 7 (stating that Local Transport consists of "the circuits and equipment used for local transport may be dedicated to a single customer (direct trunked transport) and describing the Local Transport Rate Category). Verizon's special access Monthly DS-1 Entrance facility rate, under Verizon's DTE MA No. 15, Section 30.6.1, page 6, is $221.48 and monthly Entrance Facility rates under Verizon's compliance tariff, MA DTE No. 17, Part M, Section 2.2.1, page 2, is $89.79. Otherwise said, this special access entrance facility rate is 146% higher than the UNE entrance facility rate. Furthermore, Verizon's monthly special access DS-1 transport rates (or otherwise known as channel termination rate for direct trunked transport), under Verizon's DTE MA No. 15, Section 30.6.2, page 8.11, is $66.00 fixed and $21.25 per mile and corresponding monthly rates for dedicated transport under Verizon's compliance tariff, MA DTE No. 17, Part M,, Section 2.2.1, page 2, are $43.34 fixed and $1.38 per mile. Otherwise said, these special access rates for DS-A transport arrangements are 52% higher for fixed and over 1,400% higher per mile than the UNE rates for similar facilities.

Verizon's 271 obligations impose a separate obligation on Verizon to provide interconnection at TELRIC based rates. *See* 47 U.S.C. § 271(c)(2)(B)(i).

Significantly, in the FCC's Virginia Arbitration Award, the FCC specifically rejected Verizon's contract language that requires a CLEC to order dedicated transport needed for interconnection trunking from Verizon's access tariffs. The FCC specifically stated,

> We also reject Verizon's proposed language to the extent Verizon seeks to limit AT&T's ability to order "Entrance Facilities and Transport for Interconnection." Verizon does not define "Transport for Interconnection," but statements in its briefs suggest that this may encompass facilities defined under the Commission's rules as "dedicated transport." *Verizon has no basis for requiring AT&T to order dedicated transport from its access tariffs.* Although Verizon lists several ways AT&T could obtain "interconnection transport," we reject any suggestion that the availability of such choices should therefore limit AT&T's ability to obtain dedicated interoffice facilities on an unbundled basis. The Commission has rejected similar arguments, concluding that incumbent LECs may not avoid the 1996 Act's unbundling and pricing requirements by offering tariffed services that might qualify as alternatives.[3]

As discussed above, the network facilities that compose unbundled IOF transport are the same facilities that are needed for a CLEC to interconnect with Verizon. The rates for IOF transport and interconnection should therefore be identical. Tellingly, Verizon-New York Inc. recognizes this obvious fact by offering identical rates for facilities used for unbundled IOF transport and interconnection. For example, Verizon New York, Inc.'s PSC NY No. 8 Tariff, Section 6.11.1.D (application of rates and charges for interconnection) (attached as Exhibit 1) and PSC No. 10 Tariff, Section 5.3.4, page 14 (application of rates and charges for unbundled interoffice facilities) (attached as Exhibit 2) have identical monthly rates for inter-office transport

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3 *Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration*, CC Docket Nos. 00-218 & 00-249, Memorandum Opinion and Order, DA 02-1731, ¶ 217 (Chief, Wireline Competition Bureau rel. July 17, 2002) ("*FCC's Virginia Arbitration Award*") (footnotes omitted and emphasis added).

mileage and inter-office transport entrance transport facilities. *Compare* NY PSC No. 8, Section 35.6.4 pages 13-14 (attached as Exhibit 3), *with* NY PSC No.10, Section 5.3.4.7, pages 23-24 (attached as Exhibit 4). For instance, under PSC NY No. 8, the monthly rate for a DS1 entrance facility is $102.75 and, under PSC NY No. 10, the same rate of $102.75 appears. *Id.* Relatedly, on April 24, 2002, Verizon New York notified CLECs that a rate structure change was being instituted for its Unbundled Dedicated Transport, Unbundled Loop, EEL and Interconnection products in order to comply with the New York Public Service Commission's decision in Case No. 98-C-1357 that investigated and established new recurring and nonrecurring rates for UNEs.[4]

Notably, Verizon's compliance filing here fully demonstrates that TELRIC rates for unbundled dedicated IOF facilities should apply to Verizon's switched interconnection services tariff, DTE MA No. 17, Part C, because there is a inconsistency in how the rates are derived in that tariff, *i.e.*, the Meet Point A, B, and C usage rates are TELRIC based while the transport rates are not. To elaborate, Verizon submits TELRIC based usage rates in its compliance filing for terminating calls pursuant to Meet Point A, B, and C switched interconnection services arrangements. As Verizon explained during the technical session, these rates are made up of usage sensitive TELRIC switching rates that were established in this proceeding.[5] Yet, at the same time, Verizon is not applying Department-ordered TELRIC rates for transport facilities that are needed and associated with Meet Point A, B, and C switched interconnection service arrangements. Because Verizon is legally obligated to provide TELRIC based rates for

[4] Notification attached hereto Exhibit 5.

[5] *See* March 5, 2003 Technical Session Tr. at 90-98. (explaining which UNE switching rates make up the Meet Point A, Meet Point B, and Tandem Transit usage rates).

interconnection services, there should be no inconsistency in this regard and all the rates that apply in Verizon's switched interconnection services tariff should be TELRIC based.

Verizon, not the CLECs, has the burden in this proceeding to demonstrate that different rates, albeit, non-TELRIC rates, apply for interconnection. Despite this, Verizon never submitted one shred of evidence suggesting that the TELRIC rates established by the Department should not apply for facilities used for interconnection. Nor would it even attempt to make such a request because doing so would be a flagrant violation of its 271 obligation to offer interconnection at TELRIC based rates and would run contrary to FCC precedent.[6]

There is nothing in the record that supports a finding that Verizon's rates for unbundled IOF transport should not apply for transport facilities that a CLEC uses when it interconnects with Verizon. Indeed, prior to the compliance phase of this proceeding, the Department focused solely on the implementation of the TELRIC methodology and the associated assumptions that should be used in formulating rates for network elements. The Department *did not* consider specific terms and conditions associated with the application of the rates. It is during this phase of the proceeding that the Department is doing precisely that along with ensuring that its decisions regarding the TELRIC methodology are properly and fully reflected in Verizon's compliance rates. At this time, they are not.

The Department must recognize that as a practical matter, the whole rationale for having a dedicated transport offering with TELRIC based rates is so that CLECs can (1) obtain facilities at TELRIC based rates that are used to pass traffic to Verizon for interconnection purposes; (2) to expand the reach of their network to certain Verizon central offices; (3) obtain Expanded Extended Links. It is not limited to the latter 2 points Verizon suggested during the technical

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6 *FCC's Virginia Arbitration Award,* ¶ 217.

session on March 5.[7] Interconnection with Verizon is a vital pre-requisite to facilities-based competition and CLECs should not be denied TELRIC rates for basic transport facilities that are needed to do so. Such an outcome would utterly defy the Act and FCC rules and decisions.

Verizon could easily address the deficiency associated with its compliance filing by modifying DTE MA No. 17, Part C Section 1.5.1.A.2 and simply specifying that transport will be *provided pursuant to the rates, terms and conditions for applicable to Part B, Section 2.1.1.*[8] For the reasons discussed above, Verizon's compliance filing is deficient and should not be approved unless Verizon make this simple modification to its switched interconnection services tariff.

B. Verizon's Definition Of Unbundled IOF Transport Contains Two Unlawful Conditions That Increase Costs CLECs Must Incur.

In Part B, section 2.1.1.B. of its compliance tariff for IOF transport, Verizon specifies that "Unbundled dedicated IOF transport provides a transmission path within a LATA between the following locations..... 1. CLEC designated TC central office premises[;] 2. CLEC designated collocation arrangements established within Telephone Company central offices[; or] 3. A CLEC Designated TC central office premises and a collocation arrangement established within a Telephone Company central office." In Part B, section 2.2.2. of its compliance tariff for unbundled IOF transport, Verizon specifies that "an Entrance Facility provides for the

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7 March 5, 2003 Technical Session Tr. at 117-118.

8 Moreover, to the extent that Verizon is concerned that carriers who are not authorized to provide facilities-based service by the Department, Verizon could specify that the rates, terms and conditions applicable to direct trunked transport as specified in DTE MA No. 15 applies to such ineligible CLECs. Verizon New York has taken this approach by designating that ineligible CLECs must pay switched access rates. *See* Verizon-NY PSC No. 8, Section 6.11.1(A), page 28; *see also* PSC No. 8, Section 2.3.2, at 13 (defining Eligible CLEC as "an authorized full service facilities-based provider of local exchange services designated as such by Order of the PSC.").

transmission facility between the TC's switch location and the Telephone Company serving wire center." Pursuant to these provisions, Verizon requires that a CLEC (a) be collocated at a Verizon central office at one end of the transport facility and (b) have switch located at one end of it. As shown below, each of these conditions is unlawful and the Department should accordingly reject them. Moreover, these conditions drastically increase the cost to CLECs of obtaining high capacity DS3 facilities because, in order to get the circuit, a CLEC has to be collocated at one end of the facility and have a switch present at the other end of it. As this Department is well aware, collocating at a Verizon central office is an expensive undertaking. Furthermore, deploying switches at the end of such circuits may be unnecessary and therefore Verizon's condition only serves to increase CLEC costs. Although Verizon has these specific requirements in its tariff, Verizon recognizes that FCC rules do not restrict access to unbundled dedicated transport in this manner.[9]

Verizon's definition that includes the above two conditions is unlawful for several reasons. *First*, Verizon's condition that CLECs be collocated to access unbundled dedicated IOF transport conflicts with FCC precedent and rules. Specifically, the FCC does not require that a CLEC be collocated to access UNEs or interoffice transport.[10] In fact, the FCC expressly stated that, "*There is no requirement that a competitive LEC collocate at the incumbent LEC's wire center or other facility in order to purchase UNE dedicated transport.*"[11] The FCC explained that Verizon cannot require that a CLEC be collocated because the CLECs have the right to

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9 March 5, 2003 Technical Session Tr. at 115-117.

10 *FCC's Virginia Arbitration,* ¶ 353.

11 *FCC's Virginia Arbitration Award,* ¶ 217 (emphasis added).

convert special access circuits to EELs in collocated and non-collocated arrangements.[12] Not only that, any argument that collocation is required because CLECs need to multiplex DS-1 circuits to DS-3 transport is unavailing because the FCC has held that Verizon must perform such multiplexing.[13]

Furthermore, the FCC has held that dark fiber transport, which is a form of Interoffice Transport, must be made available to CLECs in intermediate central offices where the CLEC is not collocated.[14] When the FCC rendered this decision, it held that requiring collocation places an unreasonable restriction on the use of the network element, thus conflicts with Commission rules 51.307 and 51.311[15] and would needlessly inflate the CLEC's cost of using the UNE.[16] The same holds true with Verizon's definition of Entrance Facilities.

Second, Verizon's condition that CLECs have a switch at one end of the Entrance Facility portion of the unbundled IOF transport circuit also defies FCC rules and precedent. Specifically, the FCC does not require that dedicated transport be connected to switching facilities, let alone a switch be present at a location, for a CLEC to obtain dedicated transport at the CLEC's location. FCC rule 47 C.F.R. 51.319(d)(1)(i) defines Dedicated Transport is as those transmission facilities "between wire centers owned by incumbent LECs or requesting carriers,

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12 *FCC's Virginia Arbitration Award,* at n.724 (citing *Net2000 Communications, Inc. v. Verizon – Washington D.C., Inc. et al.*, Memorandum Opinion and Order, 17 FCC Rcd. 1150, 1158, para. 26, (2002)).

13 *FCC's Virginia Arbitration Award,* at ¶¶ 498-500.

14 *FCC's Virginia Arbitration Award,* ¶ 457.

15 *FCC's Virginia Arbitration Award,* ¶ 457 (citing 47 C.F.R. § 51.307: Duty to provide access on an unbundled basis to network elements; 47 C.F.R. § 51.311: Nondiscriminatory access to unbundled network elements).

16 *FCC's Virginia Arbitration Award,* ¶ 457 n.1536.

or between switches owned by the incumbent LECs or requesting carriers." This definition does not require that a switch be present at a CLEC's location and there is no FCC order that does.[17] Indeed, a wire center does not always contain a switch and, likewise, CLEC's wire center may not either. The FCC's definition of dedicated transport provides that proper uses of dedicated transport facilities are between *wire centers or switches.*

The FCC recognizes that switching is not always required when Interoffice Transport is provisioned because it may go through an intermediate central office or wire center.[18] Verizon's definition fails to address these facts and recognize that a CLEC's location may be an intermediate office for the CLEC. Indeed, Verizon provided entrance facilities associated with its unbundled IOF transport offering may not connect with a CLEC switch directly, but may provide a piece of transport that the CLEC will use for eventual connection to a CLEC's switching/routing point.

Significantly, the FCC has not based its definition of a wire center on the presence of a switch. As the FCC has observed:

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17 In a FCC news release dated February 20, 2003, the FCC announced that it will redefine dedicated interoffice facilities to include only those transmission facilities connecting incumbent LEC switches or wire centers. In rendering this decision, the FCC is also expected to include entrance facilities within the definition of a loop and similar to the definition for UNE loops that currently exists, no switching or collocation requirements is expected to be associated with it.

18 *FCC's Virginia Arbitration Award,* ¶ 457 (finding that dark fiber transport, which is a form of interoffice transport, may pass through intermediate central offices where the CLEC is not collocated); *FCC's Virginia Arbitration Award,* ¶ 217 (holding that "There is no requirement that a competitive LEC collocate at the incumbent LEC's wire center or other facility in order to purchase UNE dedicated transport....") Therefore, if no collocation is required, switching at that location would not be required either. *See also UNE Remand Order,* 15 FCC Rcd 3842-46, ¶¶ *322-30, Local Competition First Report and Order,* 11 FCC Rcd at 15717-15722, ¶¶ 439-51; *Net2000 Communications, Inc. v. Verizon – Washington D.C., Inc. et al.*, Memorandum Opinion and Order, 17 FCC Rcd 1150, 1158, ¶ 26, (2002) (recognizing that carriers' right to convert special access circuits to EELs applies to collocated and non-collocated arrangements).

> The model assumes that wire centers are interconnected with one another using optical fiber networks known as Synchronous Optical Network (SONET) rings. The infrastructure to interconnect the wire centers is known as the interoffice network, and the carriage of traffic among wire centers is known as transport. In cases where a number of wire centers with relatively few people within their boundaries are located in close proximity to one another, it may be more economical to use the processor capacity of a single switch to supervise the calls of the customers in the boundaries of all the wire centers. In that case, a full-capacity switch (known as a host) is placed in one of the wire centers and less expensive, more limited-capacity switches (known as remotes) are placed in the other wire centers. The remotes are then connected to the host with interoffice facilities. Switches that are located in wire centers with enough customers within their boundaries to merit their own full- capacity switches and that do not serve as hosts to any other wire centers are called stand-alone switches.[19]

The FCC has also noted that serving wire centers are "merely points of demarcation in the incumbent LEC's network, and are not points at which traffic is switched."[20] The FCC has also used the term "switching center" which would be superfluous if a switching center was synonymous with a wire center.[21] Clearly, the use of the separate term "wire center," as distinguished from a "switch," further disproves any presumption that transport must always go between switching locations. Hence, Verizon's definition that requires that entrance facilities associated with its unbundled IOF offering be connected to a CLEC switch is an unlawful and unreasonable requirement.

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[19] *Federal-State Joint Board on Universal Service/Forward Looking-Mechanism for High-Cost Support for Non-Rural LECs*, CC Docket Nos. 96-45, 97-160, Tenth Report and Order, FCC 99-304, 14 FCC Rcd 20156, ¶ 15 (rel. Nov. 2, 1999) (footnotes omitted).

[20] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996/Interconnection between Local Exchange Carriers and Commercial Mobile Radio Providers*, CC Docket Nos. 96-98, 95-185, Third Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 97-295, 12 FCC Rcd 12460, ¶ 29 (rel. Aug. 18, 1997)("*Third Order on Reconsideration*").

[21] *Local Competition and Broadband Reporting,* CC Docket No. 99-301, Report and Order, FCC 00-114, 15 FCC Rcd 21796, 2000 WL 426145, *197 (rel. March 30, 2000).

For the foregoing reasons, the Commission should direct Verizon to file tariffs for unbundled IOF transport without the CLEC switching or collocation conditions referenced above.

II. Verizon Fails to Offer a Rate in its Compliance Filing for Calling Name Database Queries.

In its compliance filing, Verizon did not propose a separate rate for Calling Name ("CNAM") database queries. Pursuant to 47 C.F.R. § 51.319(e)(2), Verizon is required to offer call related database information, which includes a Calling Name Database information such as CNAM. The information provided via a CNAM database query includes the name associated with the originating line. This information can be readily seen by a "called party" on any caller id screen during an incoming call. In application, when a Verizon customer calls the customer of a facilities-based CLEC that utilizes its own switching equipment, the CLEC launches a query (when the call is terminated to its switch) to Verizon's database that contains this CNAM information and then the CLEC terminates the call to its customer with this CNAM information.

Although Verizon did not offer a specific CNAM rate, it is, as discussed above, a specific call related database service and the cost of a CNAM database query is a component of Verizon's per query charge of $.026669 for Line Identification Data Base ("LIDB").[22] In particular, the LIDB rate is meant to recover costs for (1) the launching of all the database queries (for CNAM and other services) and (2) the fraud prevention center that are associated with Calling Card, Collect, or Third Number Billing calls (but not with CNAM service). Part E-4, Section 2.2, lines 3 and 9, of Verizon's recurring cost studies, reveal that the per query cost for CNAM is $.000250 and for fraud prevention is $.024264, which does not include a mark up for

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22 *See* Verizon's Compliance Tariff, Part M, Section 3.1.5, page 3.

common overhead and gross revenue loading.[23] During the technical session, Verizon agreed that the $.000250 cost would be associated with a database offering that does not utilize fraud prevention and CNAM is that offering[24] and that it did not offer a separate rate for CNAM in its compliance filing.[25]

Verizon's tariff filing should have a separate CNAM rate because facilities-based CLECs are constantly receiving incoming traffic from Verizon and such CLECs require Verizon's CNAM information when they terminate these calls. CNAM is basic call related database information that is essential in the development of facilities-based competition. It should not be made available only under contract as Verizon contends.[26]

The Department must acknowledge the importance of CNAM information and recognize that consumers demand that CNAM information be available so that they can screen incoming calls. Indeed, the ability to screen calls by reviewing of the incoming call critical to the provision of voice telecommunications services, especially for residential customers. Therefore, the provision of CNAM information is no longer a "nicety" but a "necessity" in this day and age for residential market and Verizon should accordingly make the amount it is going to charge for this basic and essential information readily known in its tariff.

In response to Technical Session Request No. 2, Verizon stated that it did not file costs for a separate CNAM rate in its May 8, 2001 TELRIC filing. However, Verizon's statement is misleading. Although it is true that Verizon did not propose a separate CNAM rate, it did submit

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23 Attached hereto as Exhibit 6.

24 March 5, 2003 Technical Session Tr. at 70-71.

25 March 5, 2003 Technical Session Tr. at 73:12-13.

26 *See* Technical Session Request No. 2.

in its filing the per query costs for LIDB which combined CNAM query costs with Toll fraud prevention center costs for billing validation and originating line screening services. RCN does not challenge this cost and it is this cost that can be easily split out in a separate rate, as described above, in its tariff.

Verizon also suggests that it is not required to make a separate CNAM rate available in its tariff because no party proposed a separate CNAM offering during the case. However, because CNAM information is essential when a facilities-based CLEC terminates incoming calls coming from Verizon's customers to the CLEC's end users, RCN could not reasonably have anticipated that Verizon's compliance tariff filing would not have a separate rate for this query service given the importance of it. It was only upon reviewing Verizon's compliance filing did RCN discover this deficiency.

As explained above, because Verizon's CNAM information is essential and because the costs to provide it can be readily and easily be broken out of the LIDB rate, the Department should require that Verizon do so in its tariff.

III. CONCLUSION

Wherefore, for the foregoing reasons, RCN respectfully requests that the Department order Verizon to modify its compliance filing as specified herein.

Respectfully submitted,

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Dated: March 18, 2003

EXHIBIT 1

6. CLEC Switched Service
6.11 Application of Rates and Charges

6.11.1	General	
A.	**Ineligible CLECs**	
1.	**MOU Schedule**—Ineligible CLECs will pay the Telephone Company's intraLATA switched access rates for the POTS traffic, including carrier common line rates as set forth in PSC NY No. 918.	
2.	**FR Schedule**—The rates for ineligible CLECs set forth in Section 35.6 will apply.	
B.	If it is determined that only a portion of the traffic from a CLEC is qualified for the eligible rates and the remainder of the traffic is subject to the Telephone Company's normal switched access service or ineligible rates, the Telephone Company will prorate the charges from the appropriate tariffs.	
C.	When the CLEC uses combined trunk groups the rates and charges described in this tariff will only apply to the POTS traffic of the CLEC. The POTS traffic will be determined based on the provision of records data provided, as described in Section 6.8.1.	
D.	**Dedicated Transport**	
1.	**Mileage**—Dedicated transport when provided by the Telephone Company is subject to fixed and per mile monthly rates by interface groups. Mileage to be used to determine the dedicated transport fixed and per mile monthly rates is calculated on the airline distance between the end office or access tandem where the call carried originates or terminates and the serving wire center of the CLEC's premises or collocated interconnection location. To determine the rate to be billed, first compute the mileage using the V&H coordinates method, as set forth in the NECA Tariff FCC No. 4. If the calculation results in a fraction of a mile, always round up to the next whole mile before determining the mileage. Multiply the mileage by the appropriate per mile rate. The amount to be billed shall be the product of this calculation plus the fixed rate.	(C)
a.	When the V&H coordinates of the CLEC's premises and the Telephone Company end office or access tandem are the same, the dedicated transport per mile rate element does not apply. The dedicated transport fixed rate always applies.	
b.	The rates associated with the individual arrangement also apply.	
E.	**Entrance Facility**–A recurring monthly rate applies per DS1 entrance facility ordered. A fixed monthly rate and a per ¼ mile monthly rate apply per DS3/STS-1 entrance facility ordered.	(N)
1.	**Mileage**—DS3 and STS-1 entrance facilities are subject to fixed and per ¼ mile monthly rates. Mileage is calculated based on the airline distance between the CLEC premises and the serving wire center of the CLEC premises. To determine the rate to be billed, first compute the mileage using the V&H coordinates method, as set forth in the NECA Tariff FCC No. 4. If the calculation results in a fraction of a ¼ mile, always round up to the next whole ¼ mile before determining the mileage. Multiply the mileage by the appropriate per ¼ mile rate. The amount to be billed shall be the product of this calculation plus the fixed rate.	(N)
F.	**Monthly Rates** are flat recurring rates that apply each month or fraction thereof that a chargeable optional feature or basic service element is provided. For billing and prorating purposes, each month is considered to have 30 days.	(T)

EXHIBIT 2

5. Unbundled Network Elements (Cont'd)

5.3 Unbundled Interoffice Transmission Facilities (Cont'd)

5.3.4 Rates and Charges

Unbundled Interoffice Transmission Facilities (IOF) are provided at the appropriate Collocation arrangement.

IOF: Unbundled Network Elements

IOF unbundled network elements are as follows:

- DS1 (point to point)
- DS3 (point to point)
- STS-1 (point to point)
- OC-3 (point to point, not rings)
- OC-12 (point to point, not rings)
- OC-48 (point to point, not rings)
- DS3 to DS1 Multiplexing
- DS1 to DS0 Multiplexing

Billing Rate Structure:

Monthly Rates -- Applicable Rate elements:

Inter-Office Transport Mileage for DS1, DS3, STS-1 and OCn These rate elements apply for unbundled dedicated transport facilities between the TC's collocation arrangements in Telephone Company offices.* There will be a monthly rate for the following: (C)

1. Fixed Charge
2. Per Mile Charge (C)

*In the event that the unbundled dedicated transport facility is provided in conjunction with an entrance facility, these rate elements apply between Telephone Company offices. (N)

Inter-Office Transport Entrance Facilities for *DS1, DS3, STS-1 and OCn These rate elements apply for unbundled dedicated transport facilities between the TC's switch location and the Telephone Company serving wire center. There will be a monthly rate for the following:

1. Entrance Facility Fixed Charge
2. Per ¼ Mile Charge (N)

*Exception: the monthly rate for DS1 will be Fixed.

EXHIBIT 3

35. Rates and Charges
35.6 CLEC Switched Service

35.6.3 Flat Rate (FR) Schedule

ID	Service Category	Rate Element	Rate	USOC	
	Meet Point C	Ineligible CLECs - Monthly - Per DS1 (usage)	100.50		(C)
					(D) (D) (D)

35.6.4 Entrance Facility and Dedicated Transport (C)

ID	Service Category	Rate Element	Rate	USOC	
	DS1 Entrance Facility	MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET - Monthly	102.75		(N)
	DS3 Entrance Facility	MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET – Fixed - Monthly	801.75		
		MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET – Per ¼ mile - Monthly	6.38		
	STS1-1 Entrance Facility	MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET – Fixed - Monthly	798.90		
		MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET – Per ¼ mile - Monthly	6.38		(N)
	DS1 Dedicated Transport Mileage	MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET - Fixed - Monthly	54.72	1HY9S 1Y5GS	(C) (C)
		MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET - Per Mile - Monthly	2.05	1HY9S 1Y5GS	(C) (C)
	DS3 Dedicated Transport Mileage	MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET - Fixed - Monthly	711.09	1Y53S 1Y5HS	(C) (C)
		MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET - Per Mile - Monthly	15.21	1Y53S 1Y5HS	(C) (C)

35. Rates and Charges
35.6 CLEC Switched Service

35.6.4 Entrance Facility and Dedicated Transport

ID	Service Category	Rate Element	Rate	USOC	
	STS-1 Dedicated Transport Mileage	MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET - Fixed - Monthly	711.65	1HA9S	(N)
		MPA, MPB, MPC, 2 Way MPA RTET, 2 Way MPB RTET - Per Mile - Monthly	15.23	1HA9S	(N)

35.6.5 Administrative Changes (M)

ID	Service Category	Rate Element	Rate	USOC	
	Administrative Change	NRC - Per change - Per DS1 trunk	8.55		(M)

EXHIBIT 4

NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)
5.3 Unbundled Interoffice Transmission Facilities (Cont'd)
5.3.4 Rates and Charges (Cont'd)
5.3.4.7 Unbundled Interoffice Dedicated Facilities (T)

		Monthly Rates	Nonrecurring Charges	Expedited Nonrecurring Charges	
(A)	DS1 Interoffice Transport Mileage Nonrecurring Charges				(C)
	Service Order - Per Order		$ 61.63	$ 95.67	
	CO Wiring - Per Facility		34.12	48.80	
	Provisioning - Per Facility		109.98	159.46	
	Monthly Recurring Charges				
	Inter-Office Transport Mileage				
	Fixed	$ 54.72			
	Per Mile Charge	2.05			
	Inter-Office Transport Entrance Facility Nonrecurring Charges				
	Service Order - Per Order		$ 61.63	$ 95.67	
	CO Wiring - Per Facility		34.12	48.80	
	Provisioning - Per Facility		109.98	159.46	
	Recurring Charges				
	Entrance Facility Fixed Charge	$102.75			
(B)	DS3				
	Nonrecurring Charges				
	Service Order - Per Order		$ 61.63	$ 95.67	
	CO Wiring - Per Facility		47.77	68.33	
	Provisioning - Per Facility		156.79	211.74	
	Recurring Charges				
	Inter-Office Transport Mileage				
	Fixed	711.09			
	Per Mile Charge	15.21			(C)

5. Unbundled Network Elements (Cont'd)
5.3 Unbundled Interoffice Transmission Facilities (Cont'd)
5.3.4 Rates and Charges (Cont'd)
5.3.4.6 Unbundled Interoffice Dedicated Facilities (Cont'd)

		Monthly Rates	Nonrecurring Charges	Expedited Nonrecurring Charges	
(B)	DS3				
	Inter-Office Transport Entrance Facility				(M)(C)
	Service Order - Per Order		$ 61.63	$ 95.67	
	CO Wiring - Per Facility		47.77	68.33	
	Provisioning - Per Facility		156.79	211.74	
	Entrance Facility Fixed Charge	$801.75			
	Per ¼ Mile Charge	6.38			
(C)	STS-1				
	Inter-Office Transport Mileage				
	Service Order - Per Order		$ 61.63	$95.67	
	CO Wiring - Per Facility		47.77	68.33	
	Provisioning - Per Facility		156.79	211.74	
	Fixed	$711.65			
	Per Mile Charge	15.23			
	Inter-Office Transport Entrance Facility				
	Service Order - Per Order		$ 61.63	$ 95.67	
	CO Wiring - Per Facility		47.77	68.33	
	Provisioning - Per Facility		156.79	211.74	
	Entrance Facility Fixed Charge	$798.90			
	Per ¼ Mile Charge	6.38			(M)(C)

EXHIBIT 5

verizon

April 24, 2002

Subject: New York PSC No. 10 and No. 8 - Rate Structure Changes: Unbundled Dedicated Transport, Unbundled Loops, EEL and CLEC Switched Service (Interconnection)

The purpose of this letter is to inform you of rate structure changes being made by Verizon for its Unbundled Dedicated Transport, Unbundled Loop, EEL and Interconnection Products to comply with an order issued by the New York Public Service Commission in Case 98-C-1357 - Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements. The effective date for the new rate structure was March 1, 2002. The rate restructure is being reflected on wholesale bills now and will be retroactive to March 1, 2002.

What's Changed for Unbundled Dedicated Transport?

Prior to the restructure, unbundled dedicated transport consisted of two rate elements - a fixed monthly charge and a per mile monthly charge. Mileage was measured between the end points of the circuit (e.g., between the CLEC's switch location and the CLEC's collocation arrangement in a Verizon office).

With the restructure, Unbundled Dedicated Transport will consist of the following rate elements:

- Entrance Facilities
    - Entrance Facility fixed monthly charge
    - Entrance Facility per 1/4 mile monthly charge (applies for DS3 and above)
- Transport
    - Fixed monthly charge
    - Per mile monthly charge

The Entrance Facility rate elements apply for unbundled dedicated transport facilities between the CLEC's switch location and the Verizon serving wire center. The Transport mileage elements apply for unbundled dedicated transport facilities between the CLEC's collocation arrangements in different Verizon central offices.

The following chart summarizes the Unbundled Dedicated Transport Changes:

Unbundled Dedicated	Current	New

Transport Rate Elements		
Entrance Facility fixed monthly charge	N/A	X
Entrance Facility per 1/4 mile monthly charge	N/A	X
Transport fixed monthly charge	X	X
Transport per mile monthly charge	X	X

DS1 to DS0 Multiplexer

Prior to the restructure, the DS1 to DS0 multiplexer consisted of one monthly recurring charge. As of the restructure, the DS1 to DS0 multiplexer rate elements consist of a monthly recurring charge for the multiplexer common equipment, as well as a monthly recurring charge for each DS0 channel activated on the multiplexer.

Unbundled Loop Non-recurring Charges

Prior to the restructure, the non-recurring charges for Unbundled Loops did not differentiate between a first loop and an additional loop ordered on the same ASR. With the restructure, the following Unbundled Loop non-recurring charges will be assessed on a first and additional loop basis:

- Service Connection - Central Office Wiring
- Service Connection - Other (Provisioning)
- Service Connection - Central Office Wiring - Expedite
- Service Connection - Other (Provisioning) - Expedite
- Dispatch - Outside - First Loop
- Dispatch - Outside - Additional Loop

EEL

The rate elements for EEL arrangements are based on the individual Loop and Transport unbundled network elements that comprise the arrangements. Therefore, the changes noted above for Unbundled Dedicated Transport and Unbundled Loops will apply to In addition, the rates for the EEL Test Charge elements will be based on New York density zones.

CLEC Switched Service (Interconnection)

CLEC Switched Service, also known as Interconnection or Meet Point A and B, was also affected by this Order, and updates have been made to the PSC #8 Tariff. Highlights of these changes are as follows:

- Usage rates changed from Time of Day to All Hours of the Day
- Transport to the Interconnection POT has been restructured to include an Entrance Facility from the CLEC's premises to the Verizon serving wire center
- Dedicated Transport mileage will now be measured from the Verizon serving wire center to the Verizon tandem or end office, as appropriate
- Introduction of two new Non-recurring Charges - Service Order Charge and a Provisioning Charge

In addition to the rate structure changes identified above, rate changes were made that affect virtually the full range of UNE products and CLEC Switched Service, as specified by the order.

Please contact your Verizon Account Manager if you have questions about the NY changes.

EXHIBIT 6

Part E: Unbundled CCS / SS7 and Signaling Databases

Part E-4 – LIDB Query

COMPONENT COST SUMMARY

LINE INFORMATION DATABASE (LIDB)
VERIZON MASSACHUSETTS
DOCKET NO. D.T.E. 01-20
02/13/03 COMPLIANCE
2002 - 2004

			COST PER QUERY			
COMPONENT		DESCRIPTION	DIRECT	SHARED	TOTAL	SOURCE
1.	LIDB -	SS7 COST	0.000203	0.000041	0.000244	SECTION 4.1
2.		NATIONAL PRODUCT TEAM EXPENSE	0.000006	-	0.000006	SECTION 4.7
3.		SUBTOTAL	0.000209	0.000041	0.000250	LINE 1 + LINE 2
4.	FPC -	INVESTMENT COST	0.001337	0.000150	0.001487	SECTION 4.2
5.		SOFTWARE EXPENSE	0.001692	-	0.001692	SECTION 4.3
6.		MAINTENANCE EXPENSE	0.001054	-	0.001054	SECTION 4.4
7.		LABOR EXPENSE	0.017967	-	0.017967	SECTION 4.5
8.		ADMINISTRATIVE EXPENSE	0.002064	-	0.002064	SECTION 4.6
9.		SUBTOTAL	0.024114	0.000150	0.024264	SUM OF LINES 4 - 8
10.	TOTAL COST PER QUERY		0.024323	0.000191	0.024514	L3 + L9
11.	COMMON OVERHEAD (COH) LOADING				0.0850	INPUT 4
12.	TOTAL COST PER QUERY WITH COH		0.026390	0.000207	0.026597	LINE 10 * (1 + LINE 11)
13.	GROSS REVENUE LOADING (GRL) FACTOR				0.002707	INPUT 5
14.	TOTAL COST PER QUERY WITH COH & GRL		0.026461	0.000208	0.026669	LINE 12 * (1 + LINE 13)

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. No. 01-20

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1) (Department's Rules of Practice and Procedure).

Dated this 18th day of March, 2003.

Katherine A. Swall

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department on its own Motion	)	
into the Appropriate Pricing, based upon Total Element	)	
Long-Run Incremental Costs, for Unbundled Network	)	
Elements and Combinations of Unbundled Network	)	D.T.E. 01-20
Elements, and the Appropriate Avoided Cost Discount	)	
for Verizon New England, Inc. d/b/a Verizon	)	
Massachusetts' Resale Services in the	)	
Commonwealth of Massachusetts.	)	

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Updated March 6, 2003

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